

TITLE 876 INDIANA REAL ESTATE COMMISSION

Proposed Rule

LSA Document #11-325

DIGEST

Amends 876 IAC 1-1-19, 876 IAC 4-1-2, 876 IAC 4-1-5, and 876 IAC 4-2-9 by relocating fee amounts listed under these sections to one section under 876 IAC 2-18-1. Amends 876 IAC 2-18-1 to establish all Indiana Real Estate Commission fees under this section. Effective thirty (30) days after filing with the publisher.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

SECTION 1. 876 IAC IS AMENDED TO READ AS FOLLOWS:

876 IAC 1-1-19 Termination of association with principal broker; duties of parties

Authority: IC 25-1-8-2; IC 25-34.1-2-5

Affected: IC 25-34.1-3-3.1; IC 25-34.1-3-4.1

Sec. 19. Any licensee, upon termination of his or her association with a principal broker, shall turn over to the principal broker any and all listings obtained during his association unless otherwise stipulated by a written contract. The listings shall remain the property of the principal broker whether originally given to the licensee by the principal broker or copied from the records of the broker. The principal broker of a terminated salesperson is responsible for submitting to the commission within five (5) business days of the termination, a notification form provided by the commission and signed by the terminating broker and attesting to the termination. In the event the terminated licensee is transferring to a new principal broker, it shall be the responsibility of the licensee to provide the commission with a transfer application signed by the licensee and the new principal broker and pay ~~a ten dollar (\$10)~~ **the transfer fee established in 876 IAC 2-18-1**. The licensee is responsible for submitting to the commission the transfer application at the time of this association with another principal broker. The broker-salesperson's or salesperson's license will remain in the commission's unassigned file of licensees who are currently not associated with a principal broker until a transfer application is timely received. A licensee who terminates his association with a principal broker must immediately notify the commission of his or her change of address.

(Indiana Real Estate Commission; Rule 20; filed Sep 28, 1977, 4:30 p.m.: Rules and Regs. 1978, p. 799; filed Jan 16, 1979, 11:55 a.m.: 2 IR 315; filed Mar 13, 1980, 2:40 p.m.: 3 IR 648; filed Dec 11, 1986, 10:40 a.m.: 10 IR 877; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; filed Oct 23, 2003, 4:00 p.m.: 27 IR 877; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA)

876 IAC 2-18-1 Fee schedule

Authority: IC 25-1-8-2; IC 25-34.1-2-5; IC 25-34.1-2-6;

Affected: IC 25-34.1-3-3.1; IC 25-34.1-3-4.1; IC 25-34.1-8-7.5

Sec. 1. (a) The fee schedule is as follows:

- | | |
|---|------|
| (1) Application for real estate salesperson license | \$25 |
| (2) Application for real estate broker license | \$50 |
| (3) Renewal of real estate salesperson license | \$25 |
| (4) Renewal of real estate broker license | \$50 |
| (5) Transfer of license | \$10 |
| (6) Activation of inactive license | \$10 |
| (7) Application for continuing education course sponsor | \$50 |
| (8) Renewal of continuing education course sponsor | \$50 |

(b) (a) In addition to the fees required under ~~IC 25-34.1-3-3.1 and IC 25-34.1-3-4.1~~ **under subsection (a) of this rule**, the commission shall charge and collect the following fees, ~~which shall be nonrefundable and nontransferable~~, for the investigative fund under IC 25-34.1-8-7.5 for the issuance and renewal of a:

- | | |
|-------------------------------------|------|
| (1) Real estate salesperson license | \$10 |
| (2) Real estate broker license | \$10 |

(c) All fees charged and collected under this rule shall be nonrefundable and nontransferable.

(Indiana Real Estate Commission; 876 IAC 2-18-1; filed Aug 12, 2004, 10:12 a.m.: 28 IR 213, eff Oct 1, 2004; readopted filed Nov 17, 2010, 10:01 a.m.: 20101215-IR-876100411RFA))

876 IAC 4-1-2 Application for sponsor of continuing education courses

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-5

Sec. 2. (a) Applicants for sponsor approval who do not conduct salesperson or broker courses under IC 25-34.1-5 shall submit the following information:

- (1) Name, address, telephone number, and facsimile (FAX) number (if any) of the sponsor.
- (2) Name, address, and resume of the school director responsible for real estate administrative matters such as the following:
 - (A) Program development.
 - (B) Scheduling of classes.
 - (C) Advertising.
 - (D) Maintaining facilities and equipment.
 - (E) Record keeping.
 - (F) General supervision of the instructional program.
- (3) If the ownership of the sponsor is a partnership, the names and addresses of the partners.
- (4) If the ownership of the sponsor is a corporation, the names and addresses of the officers and directors.
- (5) If the ownership of the sponsor is a limited liability company, the names and addresses of the members and managers.

(b) All applicants for continuing education course sponsorship approval shall submit the following:

- (1) A course content outline describing the subjects to be offered during the approval period.
- (2) Name, address, resume of course instructors, and a statement that each instructor meets the qualifications required by section 8 of this rule.

(3) A statement that the sponsor shall provide the licensee who successfully completes an approved course, a certificate of course completion indicating the following:

- (A) Name, address, and signature of the sponsor.
- (B) Name, address, and license number of the attendee.
- (C) Title of the course.
- (D) Course location.
- (E) Date of the course.
- (F) Number of continuing education credit hours completed.

(4) A statement that the sponsor shall conduct an instructor and course evaluation and that they shall be provided to the commission upon request.

(5) ~~An Application fee in the amount of fifty dollars (\$50)~~ **established in 876 IAC 2-18-1.**

(Indiana Real Estate Commission; 876 IAC 4-1-2; filed Dec 1, 1993, 10:30 a.m.: 17 IR 765; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA)

876 IAC 4-1-5 Sponsor renewal

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-9-14

Sec. 5. (a) Under IC 25-34.1-9-14(a), a sponsor of a salesperson level continuing education course shall submit by December 1 of each odd-numbered year the following information to request approval renewal:

- (1) A letter requesting such renewal.
- (2) A renewal fee ~~of fifty dollars (\$50)~~ **established in 876 IAC 2-18-1.**

(b) Under IC 25-34.1-9-14(b), a sponsor of broker level continuing education courses shall submit by December 1 of each even-numbered year the following information to obtain approval renewal:

- (1) A letter requesting such renewal.
- (2) A renewal fee ~~of fifty dollars (\$50)~~ **established in 876 IAC 2-18-1.**

(Indiana Real Estate Commission; 876 IAC 4-1-5; filed Dec 1, 1993, 10:30 a.m.: 17 IR 766; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA)

876 IAC 4-2-9 License activation

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-9-11

Sec. 9. (a) In order to reactivate an inactive license at the time of license renewal, the licensee must have obtained all sixteen (16) hours of continuing education which would have been required for renewal had the license been active.

(b) In order to reactivate an inactive license during a two (2) year licensure period, the licensee must obtain the six (6) hours of continuing education required by IC 25-34.1-9-11(a)(1) for that two (2) year licensure period and pay ~~a ten dollar (\$10) fee~~ **the transfer fee established in 876 IAC 2-18-1.**

(c) A licensee who has reactivated the licensee's license during a two (2) year licensure period under subsection (b) must obtain the ten (10) hours of continuing education required by IC 25-34.1-9-11(a)(2) in order to renew the license at the end of the two (2) year licensure period.

(Indiana Real Estate Commission; 876 IAC 4-2-9; filed Dec 1, 1993, 10:30 a.m.: 17 IR 769; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; filed Aug 15, 2001, 9:05 a.m.: 25 IR 104; filed Nov 4, 2002, 11:42 a.m.: 26 IR 788; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA)